



FILED

02-07-08
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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking into
implementation of Public Utilities Code
Section 390.

(U 39-E)

Rulemaking 99-11-022
(Filed November 18, 1999)

**ADMINISTRATIVE LAW JUDGE'S RULING
REQUESTING INFORMATION ON QUALIFYING FACILITIES**

Summary

This ruling requests information from utilities regarding those qualifying facilities (QF) which have not yet resolved the Remand Dispute¹ with these utilities. This information is requested by February 25, 2008.

Background

The Remand Dispute² has a lengthy history. A number of QFs resolved the Remand Dispute with Southern California Edison Company (SCE) as an element of new contracts entered into during 2001. More recently, some QFs resolved the Remand Dispute as part of a settlement agreement between Pacific Gas and Electric Company (PG&E) and the Independent Energy Producers Association adopted in Decision (D.) 06-07-032. Later, D.07-08-008 resolved the Remand Dispute for additional QFs through adoption of a settlement agreement

¹ The Remand Dispute refers to whether Short-Run Avoided Cost prices between December 2000 and March 2001 (the Remand Period) were correct.

² See, D.07-08-008, pp.6-8.

between additional QFs and PG&E. As noted in D.07-08-008 (p. 2), there are some remaining QFs which have not resolved the Remand Dispute with SCE.

Discussion

Although the number of remaining QFs which have not yet resolved the Remand Dispute appears to be small, the Remand Dispute should be addressed and resolved for all QFs and utilities, and this proceeding should be closed. As a first step in resolving the Remand Dispute for the remaining QFs, it is important to identify those QFs which have not yet resolved this matter with their respective utilities. As SCE and PG&E have this information, it is requested that these utilities respond to this ruling.

Accordingly, SCE and PG&E are requested to provide the names, addresses, capacity in megawatts, and any other pertinent information for each QF which has not yet resolved the Remand Dispute with these utilities. This information should be provided by February 25, 2008. Following the identification of these remaining QFs, I expect to propose options for resolving the Remand Dispute with these QFs. Parties to this proceeding may also propose solutions to resolving the Remand Dispute for these remaining QFs.

Therefore, **IT IS RULED** that:

1. Pacific Gas and Electric Company and Southern California Edison Company shall respond to the information requested above by February 25, 2008.
2. Parties to this proceeding may propose solutions to resolving the Remand Dispute for those qualifying facilities who have not yet resolved this matter.

Dated February 7, 2008, at San Francisco, California.

/s/ BRUCE DEBERRY
Bruce DeBerry
Administrative Law Judge

INFORMATION REGARDING SERVICE

I have provided notification of filing to the electronic mail addresses on the attached service list.

Upon confirmation of this document's acceptance for filing, I will cause a hard copy of the filed document to be served upon the service list to this proceeding by U.S. mail. The service list I will use to serve the hard copy of the filed document is current as of today's date.

Dated February 7, 2008, at San Francisco, California.

/s/ ERLINDA PULMANO

Erlinda Pulmano